

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, FEBRUARY 25, 1991
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 2:03 p.m. Council Member Bernhardt welcomed the Naval Training Center's foreign training managers and international military personnel. Deputy Mayor Filner adjourned the meeting at 7:11 p.m. to meet in Closed Session on pending and potential litigation and meet and confer items at 9:15 a.m., Tuesday, February 26, 1991 in the twelfth floor conference room.

ATTENDANCE DURING THE MEETING:

(M) Mayor O'Connor-present
(1) Council Member Wolfsheimer-present
(2) Council Member Roberts-present
(3) Council Member Hartley-present
(4) Council Member Pratt-present
(5) Council Member Bernhardt-present
(6) Council Member Henderson-present
(7) Council Member McCarty-present
(8) Council Member Filner-present
Clerk-Abdelnour (11)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

(M) Mayor O'Connor-present
(1) Council Member Wolfsheimer-present
(2) Council Member Roberts-not present

- (3) Council Member Hartley-present
- (4) Council Member Pratt-not present
- (5) Council Member Bernhardt-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-not present
- (8) Council Member Filner-present

ITEM-10: INVOCATION

Invocation was given by Pastor Fred Lombard of the
Ocean Beach Assembly of God Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member
Bernhardt.

FILE LOCATION: MINUTES

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

1/21/91 Adjourned
1/22/91
1/28/91
1/29/91
1/31/91 Special Workshop
2/4/91
2/5/91
2/8/91 Special

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A241-A245.)

MOTION BY BERNHARDT TO APPROVE. Second by Roberts. Passed
by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-31: GRANTED HEARING

Matter of the request of Watermark, Ltd., by John D. Thelan of Odmark & Thelan, for a hearing of an appeal from the decision of the Planning Commission in approving Conditional Use Permit CUP-90-0907 (Teen Quest), with modifications. This permit would allow location of a transitional housing facility for 30 homeless boys and girls in an existing converted warehouse building located at 633 State Street, in the Marina Redevelopment Area, in the Centre City Community Plan area. The subject property is more particularly described as Lots C to L inclusive, Block 27, New San Diego Addition. (CUP-90-0907. Dist.-8.)

A motion granting or denying the request for a hearing of the appeal.

FILE LOCATION: PERM - CUP-90-0907

COUNCIL ACTION: (Tape location: A-246-332.)

MOTION BY FILNER TO GRANT THE HEARING AS THE DEVELOPMENT PRESENTS CITYWIDE SIGNIFICANCE. Second by Henderson. Passed by the following vote: Wolfsheimer-not eligible, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-32: GRANTED HEARING

Matter of the request of Joyce A. Huber (Lucille J. Boston, Inc.), for a hearing of an appeal from the decision of the Board of Zoning Appeals in denying their request to maintain (1) 80'-2" of maximum 17'-8" high, crib wall with a 3'-10" high chain link fence on top (currently in violation) within the 4'-0" required rear yard and the public right-of-way where the sum total height of combination retaining walls and fences permitted in the rear yard is 12'-0", provided that only one wall extends to a maximum height of 6'-0" and horizontal separations are provided - Lots 493 & 494, Princess Del Cerro, Unit No. 6, Map-7596, located at 6206 and 6236 Lisieux Terrace within the R1-5000 Zone, and Mission Trails Height Limitation Zone, in the Navajo Community Planning Area.

(Case C-20615. District-7.)

A motion granting or denying the request for a hearing
of the appeal.

FILE LOCATION: ZONE-Zoning Appeals, Case C-20615

COUNCIL ACTION: (Tape location: A-333-354.)

MOTION BY McCARTY TO GRANT THE HEARING BASED ON CITYWIDE
INTEREST. Second by Henderson. Passed by the following
vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea,
Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor
O'Connor-yea.

* ITEM-50: (O-91-125) ADOPTED AS ORDINANCE O-17603 (New
Series)

Amending Ordinance No. O-17468 (New Series), as
amended, entitled "An Ordinance Establishing a Schedule
of Compensation for Officers and Employees of the City
of San Diego for the Fiscal Year 1990-91," to create
the new position of Disabled Services Coordinator;
exempting the new position from the Classified
Services; amending Exhibit "C" to the Ordinance to
include the position in Managerial Category B;
establishing a salary rate therefor.

(Introduced on 2/11/91. Council voted 7-0. Districts
2 and 3 not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A456-461.)

CONSENT MOTION BY HENDERSON TO DISPENSE WITH THE READING AND
ADOPT. Second by Roberts. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea,
Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor
O'Connor-yea.

- * ITEM-51: (O-91-99) ADOPTED AS ORDINANCE O-17604 (New Series)

Amending Chapter 6, Article 3, of the San Diego Municipal Code, by adding Section 63.20.15 relating to Marine Vessel Speed, to restrict vessel speed to five miles or less, with certain exceptions, within 1,000 feet of the coastline.

(La Jolla, Mission Bay Park, Mission Beach, Ocean Beach and Pacific Beach Community Areas. Districts-1, 2, 6 and 8. Introduced on 2/11/91. Council voted 8-0. District 2 not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A456-461.)

CONSENT MOTION BY HENDERSON TO DISPENSE WITH THE READING AND ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

- * ITEM-52: (O-91-124) INTRODUCED, TO BE ADOPTED MARCH 18, 1991

Introduction of an Ordinance amending Chapter VIII, Article 2, of the San Diego Municipal Code, by amending Section 82.07, relating to Parking Violations.

CITY MANAGER SUPPORTING INFORMATION: On July 10, 1990, State Senate Bill 1944 was approved by the Governor. This act amends Section 40203.5 of the California Vehicle Code to provide that the bail, penalties, and surcharges for parking violations under the Vehicle Code shall be established by a court under the bail schedule and the surcharge provisions. The City of San Diego processes parking citations written by City employees and by 11 other agencies. All of these agencies currently charge fees in conformance with San Diego Municipal Code Section 82.07(b). An amendment to 82.07(b) stipulating that parking violation fees are established in conformance with the court bail schedule and surcharge provisions would bring parking citations issued by all these agencies into compliance. The San Diego County Misdemeanor

and Infraction Bail Schedule is prepared with input from the affected agencies. The City, as an affected agency, will have such input and has had its recommendations included in the newly adopted schedule. The requirement of conformance with the Bail Schedule will standardize parking violation fees for Vehicle Code Violations within the County.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A463-464.)

CONSENT MOTION BY McCARTY TO INTRODUCE. Second by Pratt.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-100: (R-91-1079) ADOPTED AS RESOLUTION R-277391

Awarding a contract to Unifilt Corporation for
approximately 399 tons of anthracite coal filter media
for a total cost of \$113,937.54, including tax;

Authorizing the expenditure of an amount not to exceed
\$113,937.54 from Department No. 700, Fund No. 41500,
Organization Nos. 306 and 307, Object Account No. 3322,
and Job Order Nos. 3502 and 3509, for said project and
related costs; authorizing the Auditor and Comptroller,
upon advice from the administering department, to
transfer excess budgeted funds, if any, to the
appropriate reserves. (BID-B1864/91)

Aud. Cert. 9100600.

FILE LOCATION: CONT-PURCHASE-Unifilt Corp. CONT FY91-1

COUNCIL ACTION: (Tape location: A452-486.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Henderson.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-101:

Two actions relative to the Construction of the San Pasqual Aquatic Treatment Facilities, Contract No. 1

(BID-K2061/91):

(San Pasqual Valley Community Area. District-1.)

Subitem-A: (R-91-1231) ADOPTED AS RESOLUTION R-277392

Inviting bids for the Construction of the San Pasqual Aquatic Treatment Facilities, Contract No. 1, on Work Order No. 181064 and 171384; authorizing the execution of a contract with the lowest responsible bidder; authorizing the City Auditor and Comptroller to transfer \$863,806.48 (\$503,636.48 from CIP-73-281.0, El Capitan Connection to CIP-73-290.0, San Pasqual Water Reclamation Facility, and \$360,170 from CIP-46-120.0, Penasquitos Canyon Sewer II Interceptor into CIP-46-151.0, San Pasqual Water Reclamation Facility); authorizing the expenditure of not to exceed \$12,400,000, as follows: \$6,200,000 from Water Revenue Fund 41502, San Pasqual Water Reclamation Facility (CIP-73-290.0) and \$6,200,000 from Sewer Revenue Fund 41506, San Pasqual Water Reclamation Facility (CIP-46-151.0) for the purpose of providing funds for said project and related costs; authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

Subitem-B: (R-91-1233) ADOPTED AS RESOLUTION R-277393

Certifying that the information contained in Addendum, DEP-89-0344, dated March 13, 1989, in connection with Construction of the San Pasqual Aquatic Treatment Facilities, Contract No. 1, has been completed in compliance with the California Environmental Quality Act of 1970, and the State guidelines, and that the Addendum has been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION: On June 27, 1988, the Council conceptually approved relocation of the Total Resource Recovery Program (Aquaculture Plant) to the San Pasqual Valley.

The engineering consultant, Black and Veatch, has prepared complete plans and specifications for the construction of the San Pasqual Water Reclamation Facilities to accomplish this relocation. The Total Resource Recovery Program is an experimental, one million gallon per day (1 MGD) facility, and this construction contract is based on this flow rate. Contract No. 1 is for construction of the treatment plant in San Pasqual Valley including aquatic ponds for secondary treatment, and sand filtration, reverse osmosis and granular activated carbon for advanced treatment.

Aud. Cert. 9100545.

WU-P-90-108.

FILE LOCATION: Subitems A&B: W.O. 181064 & 171384-1
CONT-WESTERN SUMMIT CONSTRUCTORS INC. CONT
FY 91-1

COUNCIL ACTION: (Tape location: A452-486.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Henderson.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-102: (R-91-1232) ADOPTED AS RESOLUTION R-277394

Inviting bids for the Construction of the San Pasqual Aquatic Treatment Facilities, Contract No. 2 on Work Order No. 181064/171384; authorizing the execution of a contract with the lowest responsible bidder; authorizing the City Auditor and Comptroller to transfer \$6,154,261 (\$1,924,000 within the Sewer Revenue Fund (41506) from CIP-46-152.0, Sewer Pump Station 77 - Emergency Holding Pond and Headworks Requirements to CIP-46-151.0, San Pasqual Water Reclamation Facility, \$2,408,086 from the Water Utilities Unallocated Reserve (Fund 41500) to CIP-73-290.0, San Pasqual Water Reclamation Facility, and \$1,822,175 from the Sewer Utilities Unallocated Reserve (Fund 41506) to CIP-46-151.0, San Pasqual Water Reclamation Facility);

Authorizing the expenditure of an amount not to exceed \$6,664,091 as follows: \$2,401,916 from CIP-73-290.0, San Pasqual Water Reclamation Facility, and \$4,262,175 from CIP-46-151.0, San Pasqual Water Reclamation Facility, for the purpose of providing funds for said project and related costs; authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

(BID-K2062/91)

(San Pasqual Valley Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: On June 27, 1988, the Council conceptually approved relocation of the Total Resource Recovery Program (Aquaculture Plant) to the San Pasqual Valley. The engineering consultant, Black and Veatch, has prepared complete plans and specifications for the construction of the San Pasqual Water Reclamation Facilities to accomplish this relocation. The total Resource Recovery Program is an experimental, one million gallon per day (1 MGD) facility, and this construction contract is based on this flow rate. Contract No. 2 includes a pump station which will pump the sewage from Rancho Bernardo to the treatment plant site and all other pipelines necessary for the project. However, the San Pasqual and Rancho Bernardo areas have potential for more water reclamation, and this treatment plant could be expanded in the future to meet this demand. The pipelines would also need to be expanded, and this design provides for larger pipelines to be built at this time as an option. By constructing them now, in lieu of year 1992, \$1,269,000 can be saved; but, more importantly, the Rancho Bernardo community would only need to be disturbed once. It is recommended that this option of larger pipelines be constructed now to prepare for future water reclamation in the area. The Council has the option to decline the construction of the larger pipelines at this time, which would decrease the total construction cost by \$1,378,650.

Aud. Cert. 9100544.

WU-P-90-109.

FILE LOCATION: W.O. 181064 & 171384-2 CONT FY 91-1

COUNCIL ACTION: (Tape location: A452-486.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Henderson.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-103: (R-91-1235) ADOPTED AS RESOLUTION R-277395

Inviting bids for Encanto Community Park Improvements
on Work Order No. 119161; authorizing the execution of
a contract with the lowest responsible bidder;
authorizing the City Auditor and Comptroller to
transfer \$23,833 from PSD Fund No. 11670 to CIP-29-660,
Encanto Community Park - Requirements; authorizing the
expenditure of \$133,833 from CIP-29-660, Encanto
Community Park, PSD Fund No. 11670, for the purpose of
executing this contract and related costs;

Authorizing the Auditor and Comptroller, upon advice
from the administering department, to transfer excess
budgeted funds, if any, to the appropriate reserves.

(Southeast San Diego Community Area. District-4.)

CITY MANAGER SUPPORTING INFORMATION: Encanto Community Park is
located at 6508 Wunderlin Avenue adjacent to 65th Street and
Broadway in the Southeast San Diego Community Planning Area.
This project will provide construction of a new drainage system
to alleviate flooding and will replace existing asphalt walkways
new concrete walkways.

Aud. Cert. 9100602.

FILE LOCATION: W.O. 119161 CONT - ROCA Construction Company
CONT FY 91-1

COUNCIL ACTION: (Tape location: A452-486.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Henderson.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-104: (R-91-1277) ADOPTED AS RESOLUTION R-277396

Approving Parcel Map W.O. 900723, located northeasterly
of Mira Mesa Boulevard and Black Mountain Road.

(Mira Mesa Community Area. District-6.)

FILE LOCATION: SUBD-Mesa Shopping East, Units 1 and 2

COUNCIL ACTION: (Tape location: A452-486.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Henderson.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-105: (R-91-1139) ADOPTED AS RESOLUTION R-277397

Authorizing the City Manager to hold a public auction
for the sale of Site 10A, a 9,322-square-foot parcel
located on 40th Street north of Broadway; approving the
minimum acceptable bid of \$18,100 for the parcel.

(See City Manager Report CMR-91-24. Southeast San
Diego Community Area. District-4.)

COMMITTEE ACTION: Reviewed by PFR on 2/13/91. Recommendation
to approve the City Manager's recommendation. Districts 1, 3, 6
and 7 voted yea. District 8 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A452-486.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Henderson.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-106: (R-91-1136) ADOPTED AS RESOLUTION R-277398

Authorizing the City Manager to hold a public auction
for the sale of Site 289, a 6,970-square-foot parcel
located on the north side of Grape Street, between 31st
and Fern Streets; approving the minimum acceptable bid
of \$18,100 for the parcel.

(See City Manager Report CMR-91-23. Golden Hill
Community Area. District-3.)

COMMITTEE ACTION: Reviewed by PFR on 2/13/91. Recommendation
to approve the City Manager's recommendation. Districts 1, 3, 6
and 7 voted yea. District 8 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A452-486.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Henderson.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-107: (R-91-1219) ADOPTED AS RESOLUTION R-277399

Authorizing the City Manager to hold a public auction
for the sale of Site 405, a 3,920-square-foot parcel
located at Akins Avenue between 63rd and Stork Streets;
approving the minimum acceptable bid of \$12,400 for the
parcel.

(See City Manager Report CMR-91-66. Southeast San
Diego Community Area. District-4.)

COMMITTEE ACTION: Reviewed by PFR on 2/13/91. Recommendation
to approve the City Manager's recommendation. Districts 1, 3, 6
and 7 voted yea. District 8 not present.

WU-PR-91-112.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A452-486.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Henderson.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-108: (R-91-1135) ADOPTED AS RESOLUTION R-277400

Authorizing the City Manager to hold a public auction for the sale of Site 407, an 8,130-square-foot parcel located on the alley between Nordica Avenue and Division Street near 42nd Street; approving the minimum acceptable bid of \$16,000 for the parcel.

(See City Manager Report CMR-91-26. Southeast San Diego Community Area. District-8.)

COMMITTEE ACTION: Reviewed by PFR on 2/13/91.
Recommendation to approve the City Manager's recommendation.
Districts 1, 3, 6, and 7 voted yea. District 8 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A452-486.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Henderson.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-109: (R-91-1134) ADOPTED AS RESOLUTION R-277401

Authorizing the City Manager to hold a public auction for the sale of Site 586, a 4,136-square-foot parcel located at the northwest corner of Imperial Avenue and Ozark Street;

Approving the minimum acceptable bid of \$21,000 for the parcel.

(See City Manager Report CMR-91-25. Southeast San Diego Community Area. District-4.)

COMMITTEE ACTION: Reviewed by PFR on 2/13/91.
Recommendation to approve the City Manager's recommendation.
Districts 1, 3, 6, and 7 voted yea. District 8 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A452-486.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Henderson.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-110: (R-91-1137) ADOPTED AS RESOLUTION R-277402

Authorizing the City Manager to hold a public auction
for the sale of Site 605, a 5,497-square-foot parcel
located on the northeast side of Soledad Mountain Road
at Beryl Way;

Approving the minimum acceptable bid for the parcel of
\$76,000. (See City Manager Report CMR-91-27. Pacific
Beach Community Area. District-6.)

COMMITTEE ACTION: Reviewed by PFR on 2/13/91. Recommendation
to approve the City Manager's recommendation. Districts 1, 3, 6
and 7 voted yea. District 8 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A452-486.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Henderson.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-111: (R-91-807) ADOPTED AS RESOLUTION R-277403

Declaring that the Council concurs with and supports
the proposal of the U.S. Army Corps of Engineers to
exercise jurisdiction over the remaining vernal pools
in the Los Angeles District.

(See Planning Department Report PDR-91-050.)

COMMITTEE ACTION: Reviewed by TLU on 1/14/91. Recommendation
to approve the Planning Director's recommendation for Army Corps
of Engineers review/jurisdiction of all vernal pools, and
recommended Council adoption of the proposals. Referred to
Planning Department for review with the Wetlands Advisory

Committee, the vernal pool preservation and monitoring program, including a funding mechanism for a report back in six months. Districts 1, 4 and 8 voted yea. Districts 2 and 5 not present.

CITY MANAGER SUPPORTING INFORMATION: The U.S. Army Corps of Engineers has inquired about the City's position regarding their proposal to take jurisdiction over all vernal pools in the Los Angeles District, which includes the City of San Diego. Under current regulations, unless an endangered species is present, up to one acre of vernal pools can be filled under Nationwide Permit No. 26. Vernal pools over an acre require an individual permit. The proposed Corps action would make filling of any vernal pool subject to an individual permit. City staff recommends that the City Council support the Corps' proposal to exercise jurisdiction over vernal pool areas since project applicants with vernal pool habitat have for some time been required to consult with the Corps and resource agencies early during the development approval process anyway. Based on the scarcity of remaining vernal pool habitat, staff believes all future development activities within the City of San Diego should include formal consultation with federal agencies regarding impacts to vernal pool resources. The Vernal Pool Preservation Program, adopted in 1980, stated that individual Corps permits would only be required for certain "flagged" areas of the City based on a number of conditions to be met by the City. Since the adoption of the program, a majority of the non "flagged" areas have been developed with monetary compensation to the Vernal Pool Fund. In addition, the extensive loss of vernal pool habitat has resulted in proposed listings by the U.S. Fish and Wildlife Service of 3 additional San Diego vernal pool species as endangered species. Because of the loss of vernal pool habitat, the City of San Diego, since 1987, has reported the loss of any vernal pool habitat as a significant impact under the California Environmental Quality Act, and habitat loss has either been avoided or direct mitigation for impacts has been required. Since that time, no projects disturbing vernal pools have been approved without direct mitigation (habitat acquisition or creation) being required. In all cases, applicants were required to consult with the resource agencies, and in some cases individual Corps permits were required. In addition, the City Council adopted the Resource Protection Ordinance in February of 1989, which regulates development within vernal pools. In summary, staff recommends that the City Council support the Corps' proposal to take jurisdiction over all vernal pools in the City of San Diego. This position is consistent with existing policies and procedures regarding regulation of vernal pools.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A452-486.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Henderson.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-112: (R-91-1362) ADOPTED AS RESOLUTION R-277404

Authorizing the City Manager to submit an application
to the United States Department of Housing and Urban
Development in order to have \$258,000 in Emergency
Shelter Grant money set aside for use by the City;
submitting applications for future City entitlements
under the McKinney Homeless Assistance Act.

CITY MANAGER SUPPORTING INFORMATION: The City has received
funding under the McKinney Homeless Assistance Act for the past
five years. Being a CDBG Entitlement City, San Diego is eligible
to apply for \$258,000 in Emergency Shelter Grant (ESG) Program
funds under the sixth round of the Act. The application does not
commit the City to expend any funds, and it is the Manager's
intent to develop programs that would comply with the strategies
outlined in the Comprehensive Homeless Assistance Plan, which
outlines homeless programs needed in the San Diego area. All
proposed funding uses would be brought to Council for final
approval. It is recommended that the Council authorize the City
Manager to apply for \$258,000 in sixth round Emergency Shelter
Grant monies, and that the City Manager be authorized to apply
for any additional funding that may become available under the
McKinney Homeless Assistance Act.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A452-486.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Henderson.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-113: (R-91-1366) ADOPTED AS RESOLUTION R-277405

Authorizing the payment of \$228,866 from Fund 41500 to Equitable Real Estate Investment Management, Inc. for plan preparation and construction buildout of leased office space by the Water Utilities Department and Clean Water Program at First Interstate Plaza Building, 401 "B" Street, San Diego, California.

(Centre City Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: The Water Utilities Department and the Clean Water Program are in the process of implementing the design and buildout of the leased space at the First Interstate Plaza. This includes relocating a telephone switching room serving all City personnel in First Interstate Plaza (FIP) and Union Bank space; building out approximately 15,000 square feet of floor space, downsizing one complete floor of offices; and completing other necessary office buildout for existing and proposed positions. As part of the FIP lease agreement, the City is required to notify the Equitable Real Estate Investment Management, Inc. of any construction work planned. They in turn notify the City if they choose to be the general contractor. The Water Utilities Department has received notification that Equitable will be the sole source general contractor for this project. The estimate for this portion of the work to be done is \$228,866. This buildout will complete planned work at this site, and will increase the occupation density substantially while providing the most efficient use of space.

Aud. Cert. 9100601.

WU-U-91-094.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A452-486.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Henderson.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-114: (R-91-1363) ADOPTED AS RESOLUTION R-277406

Excusing Councilmember Judy McCarty from attending the Council meetings of February 4 and 5, 1991 and the Public Services and Safety Committee meeting of February 6, 1991, for the purpose of attending the annual SANDAG NARC Policy Conference in Washington, D.C.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A452-486.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-115: (R-91-1428) ADOPTED AS RESOLUTION R-277407

Resolving to be a Sister City with Vladivostok, Russia, and accepting the invitation of the Mayor of Vladivostok to seek Sister City Affiliation.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A487-601.)

MOTION BY HENDERSON TO ADOPT. Second by Bernhardt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-116: (R-91-1389) ADOPTED AS RESOLUTION R-277408

Authorizing the execution of a Cooperative Agreement No. 11-0436 with the California Department of Transportation (CalTrans) for the construction of the utility sleeves by CalTrans; authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$192,500 from the Capital Outlay Unallocated Reserve, CIP-90-245.0, to the Fire Training Facility, CIP-33-052.0; and \$192,500 from the Capital Outlay

Unallocated Reserve, CIP-90-245.0 to the Police Training Facility, CIP-36-044.0; authorizing the expenditure of an amount not to exceed \$192,500 from the Fire Training Facility, CIP-33-052.0 and \$192,500 from the Police Training Facility, CIP-36-044.0, for the purpose of providing funds for the above project.

(Tierrasanta Community Area. District-7.)

CITY MANAGER SUPPORTING INFORMATION: In October 1988 the City began a feasibility study for the development of a Police and Fire Training Facility on a site north of State Route 52 (SR-52) east of Santo Road, and bordered on the north by Miramar Naval Air Station. CalTrans will start construction this summer of the extension of SR-52 eastward from Santo Road. CalTrans has advised that it would not permit future tunneling under the new freeway for the installation of underground water and sewer service to the training facility. However, CalTrans has agreed to install the City's needed utility sleeves during construction of SR-52 in accordance with Cooperative Agreement No. 11-0436. If the freeway is built without the utility sleeves in place, the Police and Fire training site will be isolated from future water and sewer service which must be provided from the area south of the freeway. Studies over the past several years of possible sites for the future training facility revealed that the SR-52 site was the only logical choice for conceptual study evaluation.

Aud. Cert. 9100630.

FILE LOCATION: MEET CONT FY 91-1

COUNCIL ACTION: (Tape location: A452-486.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Henderson.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-117: (R-91-1394) ADOPTED AS RESOLUTION R-277409

Authorizing the execution of an agreement with Ferver Engineering Company, Inc., to provide a project report for the Genesee Avenue Widen I-5 Crossing, CIP-52-372.0;

Authorizing the expenditure of an amount not to exceed \$250,000 from Facilities Benefit Assessment (FBA) Fund 79001, CIP-52-372.0, Genesee Avenue - Widen I-5 Crossing, for the purpose of providing funds for the above project.

(University Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: This project is included in the Council approved Public Facilities Financing Plan and Facilities Benefit Assessment (FBA) for North University City and FY 1991 Capital Improvement Program. The project consists of modifying the existing diamond interchange and construction of auxiliary lanes on I-5 at Genesee Avenue and replacement of Genesee Avenue and Miramar Road bridges over I-5. This agreement between the City of San Diego and Ferver Engineering Company is for the preparation of a project report and environmental documents. After approval of the project report and environmental clearance, another agreement would be brought to Council for the preparation of plans, specifications and estimate. It is not practical to prepare the project report and environmental documents utilizing City staff as they are already fully involved in other projects. Additionally, the project requires specific technical skills not now available within present City staff. The proposed agreement represents MBE and WBE participation of 5.4 percent and 5.1 percent respectively. Consultants submitted letters of interest and five were interviewed in conformance with Council Policy 300-7. The Ferver Engineering Company was selected as the recommended consultant.

Aud. Cert. 9100629.

FILE LOCATION: MEET CCONT FY 91-1

COUNCIL ACTION: (Tape location: A452-486.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Henderson.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-118: (R-91-1296) ADOPTED AS RESOLUTION R-277410

Authorizing the execution of agreements with
Metropolitan YMCA of San Diego County for the

renovation of the Jackie Robinson facility; authorizing the expenditure of an amount not to exceed \$266,500 from CIP-37-202, Metropolitan YMCA of San Diego County from CDBG Fund 18524, Dept. 5662, Org. 6203, for the purpose of providing funds for the above project.

(Southeast San Diego Community Area. District-4.)

CITY MANAGER SUPPORTING INFORMATION: The Jackie Robinson YMCA is located at 151 N. 45th Street in the Southeast San Diego community. Previous CDBG grants were used to renovate the structures. Phase I was Building A and Phase II completed Building B. This agreement is for Phase III site improvements. These improvements include parking lot reconstruction, landscaping, irrigation and the creation of tennis courts and a soccer field.

Aud. Cert. 9100605.

FILE LOCATION: MEET CONT FY 91-1

COUNCIL ACTION: (Tape location: A452-486.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-119: (R-91-1297) ADOPTED AS RESOLUTION R-277411

Authorizing the execution of an amendment to the agreement with the Normal Heights Community Development Corporation, for the renovation of their facility, for the purpose of increasing the renovation budget;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$80,000 from Fund 18525, Dept. 5883, Org. 8309 to Fund 18525, Dept. 5882, Org. 9212; authorizing the expenditure of an amount not to exceed \$80,000 from CIP-37-216, Fund 18525, Dept. 5882, Org. 9212, for the purpose of providing funds for the above project.

(Normal Heights Community Area. District-3.)

CITY MANAGER SUPPORTING INFORMATION: On November 13, 1989, the City entered into an agreement with the Normal Heights Community Development Corporation for the renovation of their facility at 4649 Hawley Boulevard. Community Development Block Grant funds in the amount of \$50,000 were to be used for construction. Based upon City staff evaluation and the Agency's architect's initial estimate, there is insufficient funding to complete the project as designed. The community's Building Improvement Association has requested that their funds be reprogrammed to the Normal Heights Project. City staff agrees with this recommendation. By transferring this additional \$80,000 into the Normal Heights Community Development Corporation facility renovation, today's action will enable the project to proceed.

Aud. Cert. 9100607.

FILE LOCATION: MEET CONT FY 91-1

COUNCIL ACTION: (Tape location: A452-486.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Henderson.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-120: (R-91-1276) ADOPTED AS RESOLUTION R-277412

Authorizing the execution of an agreement with Metropolitan Water District of Southern California and the San Diego County Water Authority, for the development and utilization of reclaimed water in connection with the San Pasqual Water Reclamation Project, together with any necessary amendments or modifications which do not increase the project's scope or cost and which the City Manager shall deem necessary in order to carry out the purposes and intent of the project and agreement.

(San Pasqual Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: The San Pasqual Water Reclamation Project (Project) will provide reclaimed municipal wastewater for freeway landscape, greenbelt, and nursery irrigation. The project is a component of the City of San Diego's Total Resource Recovery Program (TRRP). The TRRP includes construction of a 1.0 mgd primary sewage treatment

facility and pump station, an alternative wastewater reclamation facility using water hyacinths and advanced water treatment to treat and reclaim wastewater; a reclaimed water distribution system; and injection and extraction wells in order to recharge the San Pasqual Groundwater Basin with seasonal surplus reclaimed water produced by the reclamation facility. This project will deliver 1,000 acre-feet of reclaimed water per year for users in the Rancho Bernardo Community and San Pasqual Agricultural Preserve. The reclaimed water will be purchased by the Metropolitan Water District (MWD). Then it would be sold back to the City of San Diego through the San Diego County Water Authority (SDCWA) at a rate to be set by MWD and SDCWA.

WU-WP-90-110.

FILE LOCATION: WATER - San Pasqual Water Reclamation Project
CONT FY 91-2

COUNCIL ACTION: (Tape location: A452-486.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Henderson.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-121: (R-91-1369) ADOPTED AS RESOLUTION R-277413

Authorizing the execution of an amendment to the agreement of July 15, 1985, with the Western Consortium for Public Health, to evaluate potential health risks associated with the Total Resource Recovery (Aquaculture) Program, together with any modifications or amendments which do not increase the project scope or cost and which the City Manager shall deem necessary in order to carry out the purposes and intent of the project and amendment; authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$1,204,860 within the Sewer Revenue Fund (41506) from CIP-46-111.0, Rose Canyon Trunk Sewer, to CIP-46-151.0, San Pasqual Water Reclamation Facility, and an amount not to exceed \$1,204,860, within the Water Revenue Fund (41502) from CIP-73-248.0, Pomerado Pipeline, to CIP-73-290.0, San Pasqual Water Reclamation Facility; authorizing the expenditure of an amount not to exceed \$2,409,720, consisting of \$1,204,860 from Fund 41506,

CIP-46-151.0 and \$1,204,860 from Fund 41502, CIP-73-290.0, to provide funds for the above amendment; authorizing the City Manager to finance or refinance this project with tax exempt securities, if circumstances so warrant.

(San Pasqual Valley Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: On July 15, 1985, the City of San Diego entered into an agreement (Resolution No. R-263677) with the Western Consortium for Public Health for professional services for a scientific investigation and evaluation of the potential public health effects to recycle wastewater into a raw water source. This study is a major component of the Total Resource Recovery (Aquaculture) Program which will determine if this treatment process can produce a water of better quality than our current raw water (before treatment) source. Amendment No. 1 is required as part of the relocation of the project to San Pasqual Valley, conceptually approved by the City Council on June 27, 1989, because of the greater flow rate and a different wastewater feed source. The results of the study will provide sufficient scientific evidence on whether this treatment technology can safely, and reliably, produce water suitable as a raw water source for drinking purposes. The Western Consortium for Continuing Education for the Health Professions, Inc. is a nonprofit corporation representing a group of universities throughout California which collectively have the technical expertise to perform this additional study.

Aud. Cert. 9100543.

WU-WP-90-111.

FILE LOCATION: MEET CCONT FY 91-1

COUNCIL ACTION: (Tape location: A452-486.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Henderson.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-122: (R-91-1201) ADOPTED AS RESOLUTION R-277414

Authorizing the execution of a five-year concession agreement with Peoplefeeders, Inc. for the use of specified locations within Balboa Park for the sale of food, candy, confections, tobacco, beverages, and souvenirs, with a minimum rent of \$275,000 per year or 22 percent of gross income, whichever is greater.

(See City Manager Report CMR-91-65. Balboa Park Community Area. District-3.)

COMMITTEE ACTION: Reviewed by PFR on 2/13/91. Recommendation to approve the City Manager's recommendation with Peoplefeeders to prominently post prices for the public to see. Districts 1, 3, 6 and 7 voted yea. District 8 not present.

FILE LOCATION: MEET CONT FY 91-1

COUNCIL ACTION: (Tape location: A452-486.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-123: (R-91-1280) ADOPTED AS RESOLUTION R-277415

Authorizing the San Diego Metropolitan Transit Development Board (MTDB) to fully implement a July 1988 Memorandum of Understanding with the City to install and maintain up to 690 bus shelters over a period of 15 years, paid for by advertising revenues.

COMMITTEE ACTION: Reviewed by TLU on 2/11/91. Recommendation to approve the MTDB recommendation to implement the transit shelter program. Districts 1, 4 and 8 voted yea. Districts 2 and 5 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A452-486.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-150: SPECIAL MEETING SCHEDULED FOR MARCH 21, 1991

In the matter of the proposed election of a Citizens' Charter Convention.

(See memorandum from Mayor O'Connor dated January 31, 1991 and City Attorney Report RC-91-9, dated February 6, 1991.)

COMMITTEE ACTION: Reviewed by RULES on 2/6/91. Motion to refer to the full Council, without a Rules Committee recommendation, the question of establishing a Citizens Charter Convention. Not acted upon due to a lack of a quorum vote, and forwarded to Council docket for action by the Rules Committee Chair. Districts 5, 7, and Mayor voted yea. Districts 1 and 8 voted nay. District 4 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A610-C461.)

Motion by Roberts to approve the recommendation to establish a Citizens' Charter Convention. Second by Mayor O'Connor. Failed by the following vote: Yea-2,M; Nay-1,3,4,5,6,7,8.

MOTION BY HARTLEY TO HOLD A SPECIAL WORKSHOP/ACTION MEETING ON MARCH 21, 1991 AND GET WORD OUT TO THE COMMUNITY GROUPS AND PUBLIC TO SOLICIT COMPREHENSIVE SUGGESTIONS FROM THEM TO SEE WHAT THEY FEEL SHOULD OR SHOULD NOT BE PUT ON THE BALLOT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-nay, McCarty-nay, Filner-yea, Mayor O'Connor-yea.

ITEM-151:

(Continued from the meetings of November 19, 1990, Item 200, December 10, 1990, Item 200, January 15, 1991, Item 335 and January 28, 1991, Item 205; last continued at Councilmember Pratt's request, to allow the Attorney to prepare an Ordinance for introduction.)

Two actions relative to a Human Relations Commission:
(See City Manager Report CMR-90-420 and City Attorney's 10/4/90 draft ordinance.)

Subitem-A: DISCUSSION HELD

Discussion in the matter of the enactment of an ordinance establishing a Human Relations Commission for the City of San Diego.

Subitem-B: (O-91-138) INTRODUCED AS AMENDED, TO BE
ADOPTED MARCH 18, 1991

Introduction of an Ordinance amending Chapter II, Article 6, of the San Diego Municipal Code, by adding Division 9, relating to a Human Relations Commission.

COMMITTEE ACTION: Initiated by PSS on 10/4/90. Recommendation to approve, in concept, the introduction of a Human Relations Commission Ordinance. Recommended inclusion of 8 amendments to the City Attorney's draft ordinance. Districts 3, 4 and 5 voted yea. Districts 2 and 7 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E167-F046.)

MOTION BY PRATT TO INTRODUCE AS AMENDED WITH THE FOLLOWING AMENDMENTS: SECTION 26.0905 ITEM (B), No. 2 REVISED TO READ THE MAYOR SHALL APPOINT THE REMAINING EIGHT (8) MEMBERS, ONE EACH FROM A LIST OF UP TO THREE (3) NOMINATIONS SUBMITTED BY EACH COUNCIL MEMBER; ITEM (E) REVISED TO READ THE COMMISSIONERS SHALL ELECT A CHAIR FROM AMONG THEIR MEMBERS. THE CHAIR SHALL SERVE AT THE PLEASURE OF THE MEMBERS BUT FOR NO LONGER THAN TWO (2) YEARS. SECTION 26.0906, ADD TO SUB-SECTION: PROVIDED HOWEVER THAT ON A CASE BY CASE BASIS AND SUBJECT TO SPECIFIC DIRECTION FROM THE CITY COUNCIL AS EXPRESSED BY A DULY ADOPTED FORMAL RESOLUTION OF THE COUNCIL AND AS MAY BE OTHERWISE PERMITTED BY LAW, THE COMMISSION MAY BE DESIGNATED TO MAKE INVESTIGATIONS OF ALLEGATIONS OF UNFAIR OR UNLAWFUL PRACTICES ARISING OUT OF THE PROCEEDINGS OF THE CIVIL SERVICE COMMISSION TO THE EXTENT THAT SUCH INVESTIGATIONS ARE CONSISTENT WITH SECTION 128 OF THE CITY CHARTER. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-nay, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

Motion by Henderson to introduce with additional amendments as follows: to add the right of anyone accused to address the accusations before a finding of reasonable cause is made; and that language be adopted to bar acceptance of

complaints against candidates for elective office to support or oppose local or state ballot measures so that we eliminate opportunities for abuse. Also, tighten up all definitions as they are too broad. Second by Filner. Failed by the following vote: Yea-6,7,8; Nay-1,2,3,4,5,M; Not Present-None.

ITEM-152: (O-91-83) INTRODUCED, TO BE ADOPTED MARCH 18, 1991

Introduction of an Ordinance amending Chapter V, Article 6, of the San Diego Municipal Code by repealing Sections 56.29, and 56.29.1, renumbering Section 56.54, as Section 56.57, and amending that Section, and adding Section 56.58, relating to the Prohibition of Alcoholic Beverages at certain City Parks, Beaches, and Public Rights-of-Way.

COMMITTEE ACTION: Initiated by PFR on 11/14/90 and 1/9/91. Recommendation to approve a permanent ban at La Jolla/Kellog Park/North Park Community Park/San Ysidro Athletic Area, and approve the City Manager's recommendation in City Manager Report CMR-91-10 for a one-year trial period, and report to PFR 6 months after the trial ban has been in effect; and exclude both Tecolote Canyon Natural Park and Marian Bear Park from the proposed ban, and include Memorial Community Park. The Manager will evaluate the appropriate cutoff number for the group permits during the first 6 months of the ban. Districts 1, 3, 6, 7 and 8 voted yea.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: F047-H119.)

MOTION BY WOLFSHEIMER TO INTRODUCE, TO BE ADOPTED MARCH 18, 1991. STAFF WAS DIRECTED TO PROVIDE CRIME STATISTICS TO SEE IF THE RELATIONSHIP OF THE BAN IN CERTAIN AREAS DOES, IN FACT, REDUCE CRIME. ALSO, STAFF WAS REQUESTED TO MONITOR BALBOA PARK TO ENSURE THERE IS NO SPILL OVER FROM "BEACH PEOPLE" DRINKING ALCOHOL IN THE PARK AS IT IS UNAFFECTED BY THIS BAN. STAFF IS TO REPORT BACK IN SIX MONTHS FROM THE EFFECTIVE DATE OF THE ADOPTION. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-153: (R-91-1224) TRAILED TO TUESDAY, FEBRUARY 26,
1991

Authorizing the execution of an Amendment No. 7 to the agreement of March 22, 1988 with James M. Montgomery Consulting Engineers, Inc., for professional services in connection with program management services and predesign work for modification and enlargement of the Metropolitan Sewerage System; authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$7,010,000 within the Clean Water Program Revenue Fund (41509), consisting of \$5,620,000 from CIP-45-910.3, Planning and Studies Activities, and \$1,390,000 from CIP-40-910.0, Mission Valley Reclaimed Water Pipeline, to CIP-45-910.2, Clean Water Program Management and Administration;

Authorizing the expenditure of an amount not to exceed \$20,000,000 from Clean Water Program Revenue Fund (41509) CIP-45-910.3, Clean Water Program Management and Administration, for the purpose of providing funds for the above project; authorizing the City Manager to finance or refinance this agreement with tax exempt securities, if circumstances so warrant.

COMMITTEE ACTION: This item will be reviewed by the Public Services and Safety Committee on February 20, 1991.

Aud. Cert. 9100579.

WU-CWP-91-123.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: H143-150.)

BY COMMON CONSENT, ITEM WAS TRAILED TO TUESDAY, FEBRUARY 26,
1991.

ITEM-200: (R-91-1412) TRAILED TO TUESDAY, FEBRUARY 26,
1991

Confirming the following appointments and
reappointments by the Mayor to serve as members of the

Citizen's Equal Opportunity Commission, representing
minority groups, for terms ending January 1, 1993:

(See memorandum from Mayor O'Connor dated 2/13/91.)

| Name | Minority Group |
|---|------------------|
| Dennis Magee (To replace Randlett R. Edmonds, whose term has expired.) | American-Indian |
| Tai Danh Doan (Reappointment.) | Asian/Oriental |
| Porfirio Q. Ambrosio (Reappointment.) | Filipino |
| Carlos D. Molina (Reappointment.) | Mexican-American |
| Khalada Salaam-Alaji (Reappointment.) | Black |

FILE LOCATION: --

COUNCIL ACTION: (Tape location: H143-150.)

BY COMMON CONSENT, ITEM WAS TRAILED TO TUESDAY, FEBRUARY 26,
1991.

ITEM-201: (R-91-1410) ADOPTED AS RESOLUTION R-277416

Council confirmation of the following appointments by
the Mayor to serve as members of the San Diego Housing
Commission, for terms as indicated:

(See memorandum from Mayor O'Connor dated 2/12/91 with
resume attached.)

| NAME | TERM ENDING |
|---|-----------------|
| Marjorie V. Strack (To replace Ivory Williams, in the "Tenant-over 62 category" who has resigned.) | January 2, 1993 |

C. Shufford Swift
(Reappointment as
representative.)

December 2, 1994

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A452-486.)

MOTION BY PRATT TO ADOPT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-202: (R-91-1411) ADOPTED AS RESOLUTION R-277417

Confirming the following reappointments by the Mayor to serve as members of the Citizen's Advisory Board on Police/Community Relations, representing Council districts and groups as shown, for terms ending January 1, 1993:

(See memorandum from Mayor O'Connor dated 2/12/91.)

Samuel Katz (Council District 1)
Frederick W. Scholl (Council District 3)
Cheryl Carroll (Council District 5)
Peter Burgert (Council District 7)
Harry O. Eastus (Police Employee Group)
Dr. James Cabral (Social Services, Corrections)
Sylvia Selverston (Youth Representative)

Confirming the appointment of Judge Lance Lewis as a member in the Judicial category, for a term ending January 1, 1992, to replace Irma E. Gonzales, who has resigned.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A452-486.)

MOTION BY PRATT TO ADOPT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S400: RECOGNIZED, PRESENTATION MADE

Recognizing and accepting a presentation from 14 students and 2 instructors from Lycee St. Louis-Villa Pia High School, Bayonne, France.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A043-080.)

MOTION BY WOLFSHEIMER TO RECOGNIZE AND ACCEPT THE PRESENTATION. Second by Bernhardt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S401: (R-91-1398) ADOPTED AS RESOLUTION R-277418

Commending William Yu Cong for his role in strengthening the ties between Tijuana and San Diego and for his outstanding work with the Tijuana Comite de Turismo.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A086-133.)

MOTION BY WOLFSHEIMER TO ADOPT. Second by Bernhardt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S402: (R-91-1409) ADOPTED AS RESOLUTION R-277419

Proclaiming March 1991 as "Smooth Operator Month" in San Diego; acknowledging that "Smooth Operator Month" shall serve as a public awareness campaign period and the impetus throughout the greater San Diego area for all drivers to become smooth operators.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A137-206.)

MOTION BY McCARTY TO ADOPT. Second by Bernhardt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-S403: (R-91-1237) ADOPTED AS RESOLUTION R-277420

Accepting the low bid of \$2,340,000 and awarding a contract to Kilgallon Construction Company, Inc. for the Construction of Alvarado Filtration Plant Training Facility, Phase 2. (BID-K1828/91)

FILE LOCATION: CONT - Kilgallon Construction Company, Inc.
CONT FY 91-1

COUNCIL ACTION: (Tape location: A452-486.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-S404: (R-91-1236) ADOPTED AS RESOLUTION R-277421

Inviting bids for the Construction of Traffic Signal and Street Lighting Systems at Chatsworth Boulevard and Poinsettia Drive/Voltaire Street, at Catalina Boulevard and Chatsworth Boulevard and at Friars Road and Mission Village Road on Work Order No. 119585; authorizing the execution of a contract with the lowest responsible bidder; authorizing the expenditure of funds not to exceed \$420,000 from CIP-68-010.0, Annual Allocation - Construct Top 10-15 Prioritized Traffic Signals, Fund 30300, for said project and related costs; authorizing the Auditor and Comptroller, upon advice from the administering department, to retain excess budgeted funds, if any, in CIP-68-010.0.

(BID-K2107/91)

(Peninsula and Mission Valley Community Areas.
Districts-2 and 5.)

CITY MANAGER SUPPORTING INFORMATION: The subject Capital Improvement Program Project to install a traffic signal system provides for the safe passage of emergency equipment, pedestrians and vehicles through the intersection and will permit minor street traffic to enter or cross continuous traffic on the major street. This project provides for left-turn pockets on Catalina Boulevard, Chatsworth Street and Mission Village Drive and channelization work at Catalina Boulevard and at Friars Road. Traffic signal features include emergency vehicle preemption equipment at all three intersections. The traffic signal at Catalina Boulevard and Chatsworth Street is part of the Community Financial Plan and satisfied the Vehicular Volume Warrant. The signals at Chatsworth Street and Poinsettia Drive and at Friars Road and Mission Village Drive both satisfy the Vehicular Volume Warrant.

Aud. Cert. 9100573.

FILE LOCATION: W.O. 119585 CONT - MCR Electrical
Contractors, Inc. CONT FY 91-1

COUNCIL ACTION: (Tape location: A452-486.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Henderson.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-S405: (O-91-132) INTRODUCED, TO BE ADOPTED MARCH 18,
1991

Introduction of an Ordinance authorizing the issuance,
sale and delivery of Multifamily Housing Refunding
Revenue Bonds in a principal amount not to exceed
\$28,485,000 for the purpose of making a lender loan to
provide funds to refinance the cost of the Las Flores
Apartments project;

Determining and prescribing certain matters relating
thereto; and approving and authorizing the execution of
related documents, agreements, and actions.

(La Jolla Community Area. District-1. See Housing
Commission Report HCR-91-002 CC.)

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A452-486.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Henderson.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S406: (R-91-1087) ADOPTED AS RESOLUTION R-277423

(Continued from the meetings of February 4, 1991, Item
S400-B, and February 19, 1991, Item 202; last continued
at the Assistant City Manager's request, for further
review.)

Authorizing the City Manager to declare W.E. Walters
and Sons to be a non-responsive contractor; directing
the Purchasing Agent to not consider any future bids
submitted by the company for a period of three years;
directing the City Attorney to take the necessary
actions to recover costs associated with the
termination in accordance with the contract agreement.

(Balboa Park Community Area. District-3.)

CITY MANAGER SUPPORTING INFORMATION: Painting the Museum of
Man Rotunda can only be performed during the time window between
January 28 and March 19, when the Museum has no displays
scheduled in the rotunda area. Last year W.E. Walters, the low
acceptable bidder, was unable to furnish the required bonds and
insurance in time to complete the project within the allotted
time, so the project was held over. The Purchasing Agent
contacted W.E. Walters and Sons, Inc., last month to determine if
they would be willing to perform the project this year at their
original bid price. They agreed. While contract documents were
being prepared for mailing to Walters for execution, the
Purchasing Agent became aware of a serious problem with another
project, Quince Street Bridge, on which Walters was the major
subcontractor. The Bridge, which was being renovated, is an
historic wood trestle pedestrian bridge. City field inspection

personnel discovered that W.E. Walters and Sons, Inc. was using a lower grade of wood in the load-bearing members of the bridge than specified. Furthermore, they apparently falsified the certificate of quality from San Diego Wood Preserving Company. We have on file an affidavit from San Diego Wood Preserving Company certifying that the Certificate of Quality provided to the City is not the same certificate which they had issued. We therefore recommend that W.E. Walters and Sons be debarred from bidding on City projects for three years. Walters has been informed by letter of this recommendation and apprised of their right to be heard by Council. In order not to delay this project another year, the Manager recommends that the work be accomplished using City Forces. The estimated cost of City labor is \$35,000.

Aud. Cert. 9000496.

FILE LOCATION: W.O. 069033 & CONT - City Forces

COUNCIL ACTION: (Tape location: H151-256.)

MOTION BY HARTLEY TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present, Bernhardt-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-S407: (R-91-1051) ADOPTED AS RESOLUTION R-277424

(Continued from the meetings of January 9, 1991, Item 137, January 22, 1991, Item 203, and February 19, 1991, Item 200; last continued at the Assistant City Manager's request, for further review.)

Authorizing the execution of an agreement with La Jolla Partners and Embassy Suites, Inc., for the deferred construction of a pedestrian bridge across La Jolla Village Drive; authorizing the City Manager to deposit \$198,206 in interest bearing Fund No. 10595.

(See City Manager Reports CMR-91-105 and CMR-90-542. University City Community Area. District-1.)

FILE LOCATION: MEET CONT FY 91-2

COUNCIL ACTION: (Tape location: H143-150.)

MOTION BY WOLFSHEIMER TO ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present, Bernhardt-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-S408: REFERRED TO THE CENTRE CITY PLANNING COMMITTEE

(Continued from the meeting of February 19, 1991, Item 201, at Council's request, to allow Ernie Hahn to be present and to have more information available to pursue the discussion.)

Two actions relative to the Civic Center Strategy-Gruen Report:

(See City Manager Report CMR-91-102.)

Subitem-A: (O-91-134)

Amending Ordinance O-17504 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1990-91, and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Document No. 00-17504-1, as amended and adopted therein, by increasing the General Fund Civic Center Project 60117 Budget by \$70,500, said funds to come from Revenue Reimbursements from CIP-37-2201, Bid Fund 41300;

Authorizing the City Auditor and Comptroller to carry forward unencumbered balances in said account to the Unallocated Reserve 901 at the end of the Fiscal Year 1990-91.

NOTE: Today's action is the first public hearing. See the docket of Monday, March 4, 1991, for the introduction and adoption of the Ordinance.

Subitem-B: (R-91-1287)

Authorizing the execution of a First Amendment to Agreement with Gruen Gruen and Associates for developing a Request for Proposals process to

prospective developers to identify the most cost-effective solution for reuse of the Community Concourse; authorizing the expenditure of an amount not to exceed \$46,000 from Department 30244, Organization 106, Account 4117, Job Order 372201, for the purpose of providing funds for the above project.

Aud. Cert. 9100618.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: C456-E165.)

MOTION BY FILNER TO REFER TO THE CENTRE CITY PLANNING COMMITTEE AND DIRECT STAFF TO EXPLORE THE VARIOUS EQUITY AND LEASING OPTIONS THAT WERE IN THEIR ORIGINAL REPORT; ALSO REFER THE ECONOMIC AND PLANNING ISSUES, WITH RELATION TO THE CITY HALL COMPLEX, TO CCPC AND RETURN IN 90 DAYS. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S409: TRAILED TO TUESDAY, FEBRUARY 26, 1991

In the matter of the FY 1991 Budget Status.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: H143-150.)

BY COMMON CONSENT, ITEM WAS TRAILED TO TUESDAY, FEBRUARY 26, 1991.

* ITEM-S410: (R-91-1367) ADOPTED AS RESOLUTION R-277425

Accepting the Annual Equal Opportunity Report from the Personnel Director, dated February 20, 1991, covering the period from December 8, 1989 to December 7, 1990.

(See Personnel Director's Report dated 2/8/91.)

COMMITTEE ACTION: Reviewed by RULES on 2/20/91.
Recommendation to accept the Annual Equal Opportunity Report from the Personnel Director for the period from December 8, 1989 to December 7, 1990. Districts 1, 7, 8 and Mayor voted yea. Districts 4 and 5 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A452-486.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Henderson.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-S411: (R-91-1368) ADOPTED AS RESOLUTION R-277426

Approving the Revised Ten-Year Equal Opportunity
Program, dated February 20, 1991.

(See Personnel Department Report "Planning for the
90's.")

COMMITTEE ACTION: Reviewed by RULES on 2/20/91.
Recommendation to approve the revised Ten-Year Equal Opportunity
Program from the Personnel Director. Districts 1, 7, 8 and Mayor
voted yea. Districts 4 and 5 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A452-486.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Henderson.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S412: (R-91-1440) ADOPTED AS RESOLUTION R-277427

Proclaiming March 1991 to be Museum Month in San Diego
and urging all residents to participate in this
worthwhile celebration of our City's museums.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A212-238.)

MOTION BY McCARTY TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S413: (O-91-142) TRAILED TO TUESDAY, FEBRUARY 26,
1991

Amending Ordinance No. O-17504 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1990-91 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Documents No. OO-17504-1 and No. OO-17504-2, as amended and adopted therein, by transferring the sum of \$23,230 from the General Fund 100, Unallocated Reserve (605) to the General Services Fund 302191, for the purpose of purchasing and installing drug free school zone signs.

NOTE: See Item S500 on the docket of Tuesday, February 26, 1991 for the introduction and adoption of the Ordinance.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: H143-150.)

BY COMMON CONSENT, ITEM WAS TRAILED TO TUESDAY, FEBRUARY 26, 1991.

ITEM-S414: (R-91-1438) ADOPTED AS RESOLUTION R-277428

Declaring that the City Council supports SB 169 (Boatwright), SB 61 (C. Green), SB 63 (Kopp), SB 72 (Davis), AB 26 (Lancaster), AB 132 (McClintock); opposes SB 203 (Maddy); and supports SB 1x (Boatwright), SB 2x (Boatwright), SB 5x (Deddeh), SB 29 (Boatwright) and SB 30 (Boatwright) except the repeal of sales and use tax exemptions on newspapers; directing the Department of Legislative Services and the City Manager to work with the Governor and the Legislature to provide constructive assistance in resolving the short term deficit and long term need to revise the state and local fiscal process.

(See Department of Legislative Services Report No.
91-8.)

COMMITTEE ACTION: Reviewed by RULES on 2/20/91.
Recommendation to approve the Department of Legislative Services
recommendations 1, 2 and 4 as noted in report No. 91-8, and
recommendation 3 with the exemption of the repeal of sales and
use tax exemption on newspapers. Districts 1, 7, 8 and Mayor
voted yea. Districts 4 and 5 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: H143-150.)

MOTION BY WOLFSHEIMER TO ADOPT. Second by McCarty. Passed
by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-not present, Bernhardt-yea, Henderson-not
present, McCarty-yea, Filner-yea, Mayor O'Connor-not
present.

NON-DOCKET ITEMS:

ITEM-ND-1: DOCKETED FOR TUESDAY, FEBRUARY 26, 1991

The matter of the Drought State of Emergency.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A356-451.)

MOTION BY McCARTY TO ACCEPT THE ITEM FOR CONSIDERATION AND
APPROVE DOCKETING IT FOR TUESDAY, FEBRUARY 26, 1991. Second
by Hartley. Passed by the following vote: Wolfsheimer-yea,
Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea,
Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Filner at
7:11 p.m. in honor of the memory of Virginia Flanigan
and Melvin Grossman.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: H-280.)